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ART UNIT		PAPER NUMBER		
3696				
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			03/21/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/774,058	MAHANEY ET AL.	
	Examiner	Art Unit	
	Samica L. Norman	3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 September 2007.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
 4a) Of the above claim(s) 14-18 and 29-35 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-13, 19-28 and 36-39 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 06 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060503</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Election/Restrictions

1. Claims 14-18 and 29-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species A, B and D, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 18, 2007.

Drawings

1. The drawings are objected to because there are handwritten/hand drawn Figures. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - a. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-13, 19-28 and 36-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding claims 1, 19, 20, 25-27, 36 and 37. These claims recite the term "allowing." The use of this term makes the limitation not a positive recitation.
5. Claims 2-13, 19-26, 28 and 37-39 contain the same deficiencies as claim 1, 27 and 36 through dependency and, as such, are rejected for the same reasons.
6. Regarding claims 3-10. It is unclear if "the bridge product" needs to comprise all of the limitations "a bridge product," "a Funding Agreement Note Insurance Program," "a settlement option..., etc. as stated in claims 3-10 or just one.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-13, 19-28 and 36-39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

9. In many instances it is clear within which of the enumerated categories a claimed invention falls. The question of whether a claim encompasses statutory subject matter should not focus on which of the four categories of subject matter a claim is directed to -- process, machine, manufacture, or composition of matter -- but rather on the essential characteristics of the subject matter, in particular, its practical utility. In the instant invention, the claimed subject matter does not cover either a 101 judicial exception or a practical application of a 101 judicial exception. The instant application is directed to abstract ideas. The subject matter courts have found to be outside of, or exceptions to, the four statutory categories of invention is limited to abstract ideas, laws of nature and natural phenomena. While this is easily stated, determining whether an applicant is seeking to patent an abstract idea, a law of nature or a natural phenomenon has proven to be challenging. These three exclusions recognize that subject matter that is not a practical application or use of an idea, a law of nature or a natural phenomenon is not patentable. See, e.g., *Rubber-Tip Pencil Co. v. Howard*, 87 U.S. (20 Wall.) 498, 507 (1874) ("idea of itself is not patentable, but a new device by which it may be made practically useful is"); *Mackay Radio & Telegraph Co. v. Radio Corp. of America*, 306 U.S. 86, 94, 40 USPQ 199, 202 (1939) ("While a scientific truth, or the mathematical expression of it, is not patentable invention, a novel and

useful structure created with the aid of knowledge of scientific truth may be.”); Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759 (“steps of ‘locating’ a medial axis, and ‘creating’ a bubble hierarchy . . . describe nothing more than the manipulation of basic mathematical constructs, the paradigmatic ‘abstract idea’”).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-3, 11, 12, 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirer, “The Optimal Time to File for Social Security Benefits” (reference U on the attached PTO-892) in view of Mallard, “The Winning Job Termination Strategy” (reference V on the attached PTO-892).

12. As per claim 1, Mirer teaches a method for maximizing retirement income comprising: projecting retirement income for the client in a bridge scenario (see page 18, lines 22-23 and page 19, lines 1-3); calculating an alternate retirement funding approach (see page 18, lines 18-20); comparing projected retirement income from the bridge scenario to the alternate retirement funding approach (see page 19, line 4-7); and allowing the client to select a retirement plan based upon the projected retirement income (see page 27, lines 3-5). Mirer does not explicitly teach

gathering information about a client. Mallard teaches gathering information about a client (see page 1, paragraph 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Mirer. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of providing a custom income projection for the client.

13. As per claim 2, Mirer in view of Mallard teaches the method of claim 1 as described above. Mirer further teaches wherein the step of projecting retirement income for the client comprises projecting retirement income using a bridge product and deferred Social Security income (see page 19, line 4-7).

14. As per claim 3, Mirer in view of Mallard teaches the method of claim 2 as described above. Mirer fails to teach wherein the bridge product comprises a bridge annuity. Mallard teaches wherein the bridge product comprises a bridge annuity (see page 2, paragraph 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Mirer. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of deferring income (see page 2, paragraph 1 of Mallard).

15. As per claim 11, Mirer in view of Mallard teaches the method of claim 1 as described above. Mirer further teaches wherein the step of projecting retirement income further comprises projecting temporary income during retirement see page 19, line 4-7).

16. As per claim 12, Mirer in view of Mallard teaches the method of claim 2 as described above. Mirer further teaches wherein the step of projecting retirement income further comprises: deferring Social Security income for a client when the client retires and until a delayed receipt

age ; providing income from the bridge product when the client retires and until the delayed receipt age; and exhausting income from the bridge product and allowing the client to receive deferred Social Security income when the client reaches the delayed receipt age (see page 18, lines 22-23 and page 19, lines 1-3).

17. As per claim 22, Mirer in view of Mallard teaches the method of claim 21, as described above. Mirer further teaches re-calculating the bridge scenario using an earlier delayed Social Security receipt date or a later retirement date (see page 9, lines 1-4).

18. As per claim 27, Mirer teaches a method for maximizing retirement income for a client comprising: providing the client with a bridge product providing income from a retirement date until a delayed Social Security receipt age; allowing the client to defer Social Security income from when the client retires until the delayed Social Security receipt age; providing income from the bridge product from when the client retires until the delayed receipt age; and exhausting income from the bridge product and allowing the client to receive deferred Social Security income from when the client reaches the delayed receipt age (see page 18, lines 22-23 and page 19, lines 1-3).

19. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirer, “The Optimal Time to File for Social Security Benefits” (reference U on the attached PTO-892) in view of Mallard, “The Winning Job Termination Strategy” (reference V on the attached PTO-892) and further in view of Applicant’s Admitted Prior Art as recited in Applicant’s Related Art Section.

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20. As per claim 4, Mirer in view of Mallard teaches the method of claim 2 as described above. Mirer in view of Mallard fail to teach wherein the bridge product comprises a Funding Agreement Note Issuance Program. Applicant's Admitted Prior Art teaches wherein the bridge product comprises a Funding Agreement Note Issuance Program (see page 2, lines 12-15).

21. As per claim 5, Mirer in view of Mallard teaches the method of claim 2 as described above. Mirer in view of Mallard fail to teach wherein the bridge product comprises a settlement option under a deferred annuity. Applicant's Admitted Prior Art teaches wherein the bridge product comprises a settlement option under a deferred annuity (see page 2, lines 12-15).

22. As per claim 6, Mirer in view of Mallard teaches the method of claim 2 as described above. Mirer in view of Mallard fail to teach wherein the bridge product comprises a mutual fund. Applicant's Admitted Prior Art teaches wherein the bridge product comprises a mutual fund (see page 2, lines 12-15).

23. As per claim 7, Mirer in view of Mallard teaches the method of claim 2 as described above. Mirer in view of Mallard fail to teach wherein the bridge product comprises a certificate of deposit. Applicant's Admitted Prior Art teaches wherein the bridge product comprises a certificate of deposit (see page 2, lines 12-15).

24. As per claim 8, Mirer in view of Mallard teaches the method of claim 2 as described above. Mirer in view of Mallard fail to teach wherein the bridge product comprises a bond. Applicant's Admitted Prior Art teaches wherein the bridge product comprises a bond (see page 2, lines 12-15).

25. As per claim 9, Mirer in view of Mallard teaches the method of claim 2 as described above. Mirer in view of Mallard fail to teach wherein the bridge product comprises fixed

income. Applicant's Admitted Prior Art teaches wherein the bridge product comprises fixed income (see page 2, lines 12-15).

26. As per claim 10, Mirer in view of Mallard teaches the method of claim 2 as described above. Mirer in view of Mallard fail to teach wherein the bridge product comprises a retail note. The Examiner notes, the type of bridge product does not modify the method of maximizing retirement income. To have modified Mirer in view of Mallard to have included different types of bridge products would have been obvious to the skilled artisan because the inclusion of such a step would have been an obvious matter of design choice in light of the method already disclosed by Mirer in view of Mallard. Such modification would not have otherwise affected Mirer in view of Mallard and would have merely represented one of numerous steps that the skilled artisan would have found obvious for the purposes already disclosed by Ref. Additionally, applicant has not persuasively demonstrated the criticality of providing a retail note versus any other type of bridge product. See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

27. Claims 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirer, "The Optimal Time to File for Social Security Benefits" (reference U on the attached PTO-892) in view of Mallard, "The Winning Job Termination Strategy" (reference V on the attached PTO-892) and further in view of Archer, "Retiring Early? You'll Need an 'Income Bridge' Annuity is Simple but Strip Bonds Offer Flexibility" (reference W on the attached PTO-892).

28. As per claim 21, Mirer in view of Mallard teaches the method of claim 1 as described above. Mirer further teaches wherein the step of projecting future income comprises:

determining parameters for the bridge scenario (see page 18, lines 18-20 and page 19, line 4-7); calculating Social Security income contributions to income for each year in the bridge scenario; discounting Social Security income contributions from a delayed Social Security receipt age to a retirement date using an inflation assumption (see page 19, lines 21-24). Mirer and Mallard fail to teach tallying income sources for each year in bridge scenario; calculating gross bridge product payments necessary to match the discounted Social Security income; and wrapping bridge product payments around the discounted Social Security income. Archer teaches tallying income sources for each year in bridge scenario; calculating gross bridge product payments necessary to match the discounted Social Security income; and wrapping bridge product payments around the discounted Social Security income (see page 1, paragraphs 9 and 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Mirer in view of Mallard. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of creating sufficient income until retirement (see page 1, paragraph 4 of Archer).

29. As per claim 25, Mirer in view of Mallard teaches the method of claim 1 as described above. Mirer in view of Mallard fail to teach wherein the step of allowing the client to select a retirement plan further comprises allowing the client to purchase a deferred annuity prior to retirement. Archer teaches wherein the step of allowing the client to select a retirement plan further comprises allowing the client to purchase a deferred annuity prior to retirement (see page 1, paragraph 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Mirer in view of Mallard. One of

ordinary skill in the art would have been motivated to incorporate this feature for the purpose of creating sufficient income until retirement (see page 1, paragraph 4 of Archer).

30. Claims 13, 19, 20 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirer, "The Optimal Time to File for Social Security Benefits" (reference U on the attached PTO-892) in view of Mallard, "The Winning Job Termination Strategy" (reference V on the attached PTO-892) and further in view of Orth, "Retirement Planning for Married Couples: Distribution Differences" (reference X on the attached PTO-892).

31. As per claim 13, Mirer in view of Mallard teaches the method of claim 2 as described above. Mirer in view of Mallard fail to teach wherein the step of projecting retirement income for the client comprises projecting retirement income for a primary beneficiary and a spouse using a bridge product and deferred Social Security income. Orth teaches wherein the step of projecting retirement income for the client comprises projecting retirement income for a primary beneficiary and a spouse using a bridge product and deferred Social Security income (see page 3, paragraph 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Mirer in view of Mallard. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of to gain significant earnings from SSRA (see page 3, paragraph 9 of Orth).

32. As per claim 19, Mirer in view of Mallard teaches the method of claim 13 as described above. Mirer in view of Mallard fail to teach deferring the spouse's own Social Security income

from when the spouse retires until a first delayed receipt age; deferring the primary beneficiary's own Social Security income from when the primary beneficiary retires until a second delayed receipt age; providing income from a spousal bridge product from when the spouse retires until the first delayed receipt age; providing income from a primary bridge product from when the primary beneficiary retires until the second delayed receipt age; exhausting income from the spousal bridge product and allowing the spouse to receive the spouse's own Social Security income at the first delayed receipt age; and exhausting income from the primary bridge product and allowing the primary beneficiary to receive the primary beneficiary's own Social Security income at the second delayed receipt age. Orth teaches deferring the spouse's own Social Security income from when the spouse retires until a first delayed receipt age; deferring the primary beneficiary's own Social Security income from when the primary beneficiary retires until a second delayed receipt age (see page 3, paragraph 10); providing income from a spousal bridge product from when the spouse retires until the first delayed receipt age; providing income from a primary bridge product from when the primary beneficiary retires until the second delayed receipt age (see page 2, paragraph 12 and page 3, paragraph 10); exhausting income from the spousal bridge product and allowing the spouse to receive the spouse's own Social Security income at the first delayed receipt age; and exhausting income from the primary bridge product and allowing the primary beneficiary to receive the primary beneficiary's own Social Security income at the second delayed receipt age (see page 3, paragraph 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Mirer in view of Mallard. One of ordinary skill in the art would have been

motivated to incorporate this feature for the purpose of providing more income for higher medical and disability expenses in the later years (see page 4, paragraph 1 of Orth).

33. As per claim 20, Mirer in view of Mallard teaches the method of claim 19 as described above. Mirer in view of Mallard fail to teach allowing the spouse to receive a spousal Social Security benefit when the primary beneficiary reaches a full retirement age. Orth teaches allowing the spouse to receive a spousal Social Security benefit when the primary beneficiary reaches a full retirement age (see page 3, paragraph 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Mirer in view of Mallard. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of providing more income for higher medical and disability expenses in the later years (see page 4, paragraph 1 of Orth).

34. As per claim 36, Orth teaches a method for maximizing retirement income for a married client comprising: providing the client with a spousal bridge product and a primary bridge product; deferring the spouse's own Social Security income from when the spouse retires until a first delayed receipt age; deferring the primary beneficiary's own Social Security income from when the primary beneficiary retires until a second delayed receipt age (see page 3, paragraph 10); providing income from the spousal bridge product from when the spouse retires until the first delayed receipt age; providing income from the primary bridge product from when the primary beneficiary retires until the second delayed receipt age (see page 2, paragraph 12 and page 3, paragraph 10); exhausting income from the spousal bridge product and allowing the spouse to receive the spouse's own Social Security income at the first delayed receipt age; and exhausting income from the primary bridge product and allowing the primary beneficiary to

receive the primary beneficiary's own Social Security income at the second delayed receipt age (see page 3, paragraph 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Mirer in view of Mallard. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of providing more income for higher medical and disability expenses in the later years (see page 4, paragraph 1 of Orth).

35. As per claim 37, Orth teaches the method of claim 36 as described above. Orth further teaches allowing the spouse to receive a spousal Social Security benefit when the primary beneficiary reaches a full retirement age (see page 3, paragraph 10).

36. Claims 23, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirer, "The Optimal Time to File for Social Security Benefits" (reference U on the attached PTO-892) in view of Mallard, "The Winning Job Termination Strategy" (reference V on the attached PTO-892) and further in view of Simon, "How to Be Sure You Never Go Broke" (reference U on the attached PTO-892-page 2).

37. As per claim 23, Mirer in view of Mallard teaches the method of claim 22 as described above. Mirer in view of Mallard fail to teach discounting pre-tax Social Security income contributions from a delayed Social Security receipt age to a retirement date using an inflation assumption. Simon teaches discounting pre-tax Social Security income contributions from a delayed Social Security receipt age to a retirement date using an inflation assumption (see page 2, paragraph 2). It would have been obvious to one of ordinary skill in the art at the time of the

invention to incorporate this feature into the method of Mirer in view of Mallard. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of determining when to start collecting Social Security and the company pension (see page 1, paragraph 7 of Simon).

38. As per claim 26, Mirer in view of Mallard teaches the method of claim 2 as described above. Mirer in view of Mallard fail to teach determining a target amount for the bridge product prior to retirement and allowing the client to purchase one or more investment vehicles to achieve the target amount. Simon teaches determining a target amount for the bridge product prior to retirement and allowing the client to purchase one or more investment vehicles to achieve the target amount (see page 2, paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Mirer in view of Mallard. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of determining when to start collecting Social Security and the company pension (see page 1, paragraph 7 of Simon).

39. As per clam 28, Mirer teaches the method of claim 27 as described above. Mirer fail to teach providing income from the bridge product prior to the client's retirement. Simon teaches providing income from the bridge product prior to the client's retirement (see page 2, paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Mirer in view of Mallard. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of determining when to start collecting Social Security and the company pension (see page 1, paragraph 7 of Simon).

40. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mirer, "The Optimal Time to File for Social Security Benefits" (reference U on the attached PTO-892) in view of Mallard, "The Winning Job Termination Strategy" (reference V on the attached PTO-892) in view of Archer, "Retiring Early? You'll Need an 'Income Bridge' Annuity is Simple but Strip Bonds Offer Flexibility" (reference W on the attached PTO-892) and further in view of Simon, "How to Be Sure You Never Go Broke" (reference U on the attached PTO-892-page 2).

41. As per claim 24, Mirer in view of Mallard and further in view of Archer teaches the method of claim 21 as described above. Mirer in view of Mallard and further in view of Archer fail to teach discounting after-tax Social Security income contributions from a delayed Social Security receipt age to a retirement date using an inflation assumption. Simon teaches discounting after-tax Social Security income contributions from a delayed Social Security receipt age to a retirement date using an inflation assumption (see page 2, paragraph 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Mirer in view of Mallard. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of determining when to start collecting Social Security and the company pension (see page 1, paragraph 7 of Simon).

42. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orth, "Retirement Planning for Married Couples: Distribution Differences" (reference X on the

attached PTO-892) and further in view of Simon, "How to Be Sure You Never Go Broke" (reference U on the attached PTO-892-page 2).

43. As per claim 38, Orth teaches the method of claim 36 as described above. Orth fails to teach providing income from the primary bridge product prior to the primary beneficiary's retirement. Simon teaches providing income from the primary bridge product prior to the primary beneficiary's retirement (see page 2, paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Mirer in view of Mallard. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of determining when to start collecting Social Security and the company pension (see page 1, paragraph 7 of Simon).

44. As per claim 39, Orth teaches the method of claim 36 as described above. Orth fails to teach providing income from the spousal bridge product prior to the spouse's retirement. Simon teaches providing income from the spousal bridge product prior to the spouse's retirement (see page 2, paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Mirer in view of Mallard. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of determining when to start collecting Social Security and the company pension (see page 1, paragraph 7 of Simon).

Conclusion

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samica L. Norman whose telephone number is (571)270-1371.

The examiner can normally be reached on Mon-Thur 6:30a-4p, w/ 1st Fri off & 2nd 6:30a-3p.

46. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

47. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

sln